

Caryn Rickel CPCU  
Institute of Invasive Bamboo Research  
13 Edgehill Terr., Seymour, CT 06483

S.B. 72 AN ACT CONCERNING LIABILITY FOR GROWING OF RUNNING BAMBOO

Dear Environment Committee,

Feb. 16, 2014

For the record my name is Caryn Rickel of 13 Edgehill Terr., Seymour, CT. I am writing today to you, members of the Environment Committee, to support the intent of S.B. 72 with the following addition:

**Declare Running Bamboo a Nuisance with a 40 foot setback on existing bamboo.**

**The setback is a no bamboo buffer zone - where bamboo cannot exist including rhizomes.**

The setback or no bamboo buffer zone is critical to stop the continual spread and damage to adjoining property to include private and public property, roadways, wetlands, parks, preserves, and open space.

**Orange, CT - has defined running bamboo a nuisance with a 100 foot setback [buffer zone] on existing bamboo, with new planting prohibited.** Running Bamboo shall not be permitted to exist within any Buffer Zone. \* **Excellent wording shown in the link below:**

<http://orangectlive.com/2014/02/14/have-bamboo-pay-attention-town-has-a-strict-ordinance-against-it/>

Bozrah, CT - has declared running bamboo a nuisance with a 40 foot setback [buffer zone] on existing bamboo. [http://neme-s.org/Bamboo/Bozrah\\_Ordinance.pdf](http://neme-s.org/Bamboo/Bozrah_Ordinance.pdf)

Laws have recently passed with full bans on planting and/or maintenance of existing bamboo *indicating the seriousness of the harm* caused by destructive *Phyllostachys* running bamboo.

Malverne, NY - full ban on planting and maintenance

[http://neme-s.org/Bamboo/Malverne\\_Bamboo\\_Ordinance.pdf](http://neme-s.org/Bamboo/Malverne_Bamboo_Ordinance.pdf)

Malverne, NY - Video showing damage in Malverne, NY

<http://landing.newsinc.com/shared/video.html?freewheel=90733&sitesection=repam&VID=24790045>

Hempstead, NY - full ban on planting and maintenance

[http://neme-s.org/Bamboo/Hempstead,\\_NY\\_Ordinance.pdf](http://neme-s.org/Bamboo/Hempstead,_NY_Ordinance.pdf)

Dover, DE - full ban <http://bugwood.blogspot.com/2012/07/invasive-bamboo-outlawed-in-dover.html>

For S.B. 72 - A suggested fine in the amount of \$250.00 for each day on which a noticed violation remains in existence beginning thirty (30) days following the Receipt of Notice could be a critical element for effective environmental enforcement and would enhance the effectiveness of the law. **Refer to Exhibit A: Town of Orange:** Defining running bamboo a nuisance with a Buffer Zone of 100 feet from abutting property or public or private right of way where running bamboo shall not be permitted to exist, which has this suggested fine.

**Effective 2014: New York State - has listed both: Yellow groove bamboo - *Phyllostachys aureosulcata* and Golden bamboo - *Phyllostachys aurea* as invasive species.**

<http://www.dec.ny.gov/regulations/93848.html> - scroll midway under Section 2: Plants.

New York State Department of Environmental Conservation in listing 2 species of *Phyllostachys* running bamboo as invasive species: “Invasive species are non-native species that can cause harm to the environment, the economy or to human health. These regulations are expected to help control invasive species, a form of **biological pollution**, by reducing the introduction of new and spread of existing populations, thereby having a positive impact on the environment.”



**With *Phyllostachys* invasive running bamboo the invasion and damages are continual each year. Each successive invasion is more destructive than the previous year's invasion. *Phyllostachys* invasive running bamboo is impossible to contain.**

Yellow groove running bamboo is like cancer to land. Yellow groove bamboo is the worst continual nuisance I can imagine. Yellow groove destroys land and everything in its path. Yellow groove bamboo robs you of your quality of life and free use of your property.

I founded the Institute of Invasive Bamboo Research. Starting in 2010, I documented approximately 600 invasions of *Phyllostachys aureosulcata* - yellow groove bamboo, with *Phyllostachys bissetii* infestations also widespread in Conn. While most of the infestations in Conn. are these two species, it should be noted several other *Phyllostachys* species have been documented in Conn. – *P. nuda*, *P. dulcis*, *P. nigra*, *P. aurea* and *P. rubromarginata*. They all behave the same to form a monoculture spreading rapidly in all directions, both highly invasive and destructive underground. The genus *Phyllostachys* includes all of them.

[EDDMapS records available for each]

The data collection is part of my research. I also keep the database spreadsheet of invasions for the State of Connecticut. The data is then entered onto EDDMapS (Early Detection and Distribution Mapping System, 2014). Field Researcher Terri Groff has assisted in this documentation.

*Phyllostachys aureosulcata* - Yellow groove bamboo is a giant temperate timber bamboo from Chekiang Province, China. The bamboo was introduced for trial as a stake and forage bamboo, and a farm usage crop. This is the most aggressive cold hardy running bamboo with maximum height of 45 feet / cold hardy to -15 F.

The infestations are widespread throughout Connecticut. Yellow groove bamboo is escaping into wetlands, parks, preserves and open space. [Click on county to open EDDMapS records]  
<http://www.eddmaps.org/distribution/usstate.cfm?sub=55473>

‘Desperate residents are calling for help’ where the running bamboo is spreading from property to property and street to street. For all these properties, bamboo abatement to stop the damages ‘cannot even begin’ until the bamboo is setback and removed off the property lines so that it does not regenerate back in. **A no bamboo buffer zone on existing bamboo is the solution to halt these invasions.** A no bamboo buffer zone on existing bamboo will allow a property owner to protect his property before the bamboo invades. Running bamboo including rhizomes cannot exist in the buffer zone. Running bamboo spreads astonishingly fast, undetected underground with spread in all directions. “When one realizes it is a problem it is almost too late”.

**To declare *Phyllostachys* running bamboo a nuisance with a 40 foot setback [no bamboo buffer zone] on existing bamboo will protect both private and public property from the continual spread and damage caused by harmful *Phyllostachys* running bamboo.**

**ATTACHED EXHIBIT A**

Very truly yours,  
Caryn Rickel, CPCU  
Institute of Invasive Bamboo Research



## EXHIBIT A



Yellow groove infestation in Orange, CT      Image by Caryn Rickel

Town of Orange - Running Bamboo Ordinance - from Orange Live .com News Website by Terri Miles

### Excellent wording in the ordinance shown below:

One simple planting of bamboo can lead to a nightmare situation for the homeowner and their neighbors. Bamboo roots spread and travel underground far from the visible plants and new shoots can pop up just about anywhere. They are strong enough to tear up patios and foundations and destroy septic systems. After much consideration, the Board of Selectmen came up with an ordinance for the town of Orange that expands on the state statute **defining running bamboo as a nuisance.**

Existing bamboo will appear on land records, so potential new homeowners won't have any surprises.

**TOWN OF ORANGE**

## **NOTICE OF AMENDMENT OF SECTION OF CODE**

**In accordance with Section 3.4 of the Charter of the Town of Orange, notice is hereby given to the legal voters and those persons qualified to vote in Town Meetings of the Town of Orange that on February 12, 2014 the Orange Board of Selectmen amended a Section of the Code of the Town of Orange, by adding a new Chapter 175 – An Ordinance, adopted Pursuant to Conn. Gen. Stat. Section 7-148 (c) (7) (E), Defining Running Bamboo As A Nuisance And Adopting Regulations For the Control of Running Bamboo.**

### **CHAPTER 175**

#### **AN ORDINANCE, ADOPTED PURSUANT TO CONN. GEN. STAT. §7-148 (c) (7) (E), DEFINING RUNNING BAMBOO AS A NUISANCE AND ADOPTING REGULATIONS FOR THE CONTROL OF RUNNING BAMBOO**

##### **SECTION I. PURPOSE AND INTENT**

The Town of Orange, through Board of Selectmen, has determined that running bamboo, as defined herein, is a nuisance. The purpose of this Ordinance is to preserve and protect private and public property from the damaging spread of running bamboo grasses and to protect indigenous plants and the wildlife they support from the invasive spread of such bamboo.

##### **SECTION II. DEFINITIONS.**

Running Bamboo – Any bamboo in the genus *Phyllostachys*, including *Phyllostachys aureosulcata*, including rhizomes.

Running Bamboo Owner(s) – Any property owner(s) who, or which, have Running Bamboo planted in the ground on their property, even if the Bamboo has spread onto their property from an adjoining property.

Buffer Zone – A distance of at least 100 feet from any abutting property or public or private right of way.

D. Town – The Town of Orange, New Haven County, State of Connecticut.

E. Enforcement Officer – The zoning enforcement officer and/or the inland wetlands and watercourses enforcement officer may enforce the provisions of this Ordinance.

Notice – Any written notice by, from or on behalf of the Town, notifying the Running Bamboo Owner(s) that they are in violation of this Ordinance and directing them to cure or fix the violation. Such Notice shall conform with section 195-8 of the Town Code and shall be sent by certified mail, return receipt requested, addressed to the owner(s) listed on the current tax address on file with the Town. A copy may also be posted on the property in question.

Receipt of Notice – Receipt of the Notice required herein shall be three days after the date of mailing of said Notice, or, if applicable, posting of the Notice on the property in question, whichever is earlier.

### **SECTION III. NO PLANTING OF RUNNING BAMBOO.**

A. Pursuant to Conn. Gen. Stat. §7-148 (c) (7) (E), Running Bamboo is determined to be a nuisance and the planting of Running Bamboo is prohibited in the Town.

B. Any existing Running Bamboo may not be replanted or replaced after any such existing Running Bamboo has died or been removed.

Any person who plants or replants Running Bamboo within the Town limits after the effective date of this Ordinance shall be in violation of this Ordinance and shall be subject to the penalties set forth herein.

### **SECTION IV. REGULATION OF AND LIMITATIONS ON EXISTING RUNNING BAMBOO.**

Any Running Bamboo already in existence on any property within the Town limits as of the effective date of this Ordinance, may remain on such property, subject to the following regulation: Running Bamboo shall not be permitted to exist within any Buffer Zone.

B. Running Bamboo Owner(s) shall take all necessary measures to ensure that any Running Bamboo on their property does not exist within any Buffer Zone. Such measures shall include, but are not limited to, cutting down Running Bamboo existing in the Buffer Zone and physically removing or applying herbicide the rhizomes or spraying any regrowth for several years until the Running

Bamboo is dead and, if the removal of the Running Bamboo is impracticable, then by installing a barrier of impenetrable material and placed no less than 25 feet from the property line at a sufficient depth to prevent any growth of Running Bamboo within any Buffer Zone.

***No person shall cause Running Bamboo or the rhizomes of Running Bamboo to be deposited, discarded or otherwise placed into compost or mulch or disposed of at the Town Transfer Station.***

This Ordinance shall not be deemed to alter any rights at common law, as provided by P.A. 13-82 or otherwise that any property owner may have to recover the cost of removal of Running Bamboo on their own property from another property owner from whose property the Running Bamboo has spread.

#### **SECTION V. REMOVAL OF RUNNING BAMBOO.**

If Running Bamboo on any property grows in or into any Buffer Zone or if Running Bamboo is discovered to have been deposited, discarded or otherwise placed into compost or mulch, the Town, through its Enforcement Officer(s), shall give Notice to the Running Bamboo Owner(s), as required by this Ordinance, that the said Owner(s) are responsible for the extermination or removal of such Running Bamboo from the Buffer Zone.

Any Running Bamboo Owner(s) receiving Notice under this Ordinance shall remove all Running Bamboo that is in violation of this Ordinance within thirty (30) days of the Receipt of Notice, as defined herein.

In the event that any Running Bamboo Owner does not remedy and correct the violations set forth in any Notice issued by the Enforcement Officer, then Town, in accordance with Conn. Gen. Stat. §7-148 (c) (7) (E), may, upon the action of the Board of Selectmen, abate and remove any Running Bamboo that is in violation of this Ordinance, take all reasonable action to eradicate its re-growth and restore any real property to its natural condition. The Running Bamboo Owner(s) shall be liable to the Town for the costs of the abatement and removal of the Running Bamboo.

## **SECTION VI. PENALTIES.**

Any property owner, whether a person, firm, corporation, or other legal entity, violating any of the provisions of this Ordinance shall be subject to the following penalties, upon conviction of such violation:

A. A fine in the amount of \$250.00 shall be assessed for each day on which a noticed violation remains in existence beginning thirty (30) days following the Receipt of Notice.

Each day on which the violation occurs shall constitute a separate offense under this Ordinance.

## **SECTION VII. APPEAL**

Any property owner receiving Notice under this ordinance may contest his or her liability before a citation hearing officer in accordance with section 195-8 of the Town Code.

## **SECTION VIII. SEVERABILITY CLAUSE.**

If any part of this Ordinance is found to be unconstitutional, illegal or invalid, for any reason, such unconstitutionality, illegality, or invalidity shall not affect any of the remaining provisions or parts of this Ordinance and those remaining provisions shall remain in full force and effect.

## **SECTION IX. EFFECTIVE DATE.**

This Ordinance shall become effective twenty-one (21) days after its publication in a newspaper having circulation within the Town.

Notice of Amendment of Code adding a new Chapter 175 – An Ordinance, Adopted Pursuant To Conn. Gen. Stat. Section 7-148 (c) (7) (E), Defining Running Bamboo As A Nuisance And Adopting Regulations For the Control of Running Bamboo dated at Orange, CT this 14<sup>th</sup> day of February 2014.



**Rhizomes breaking up drainage pipes underground**



**Running bamboo growing up through asphalt**



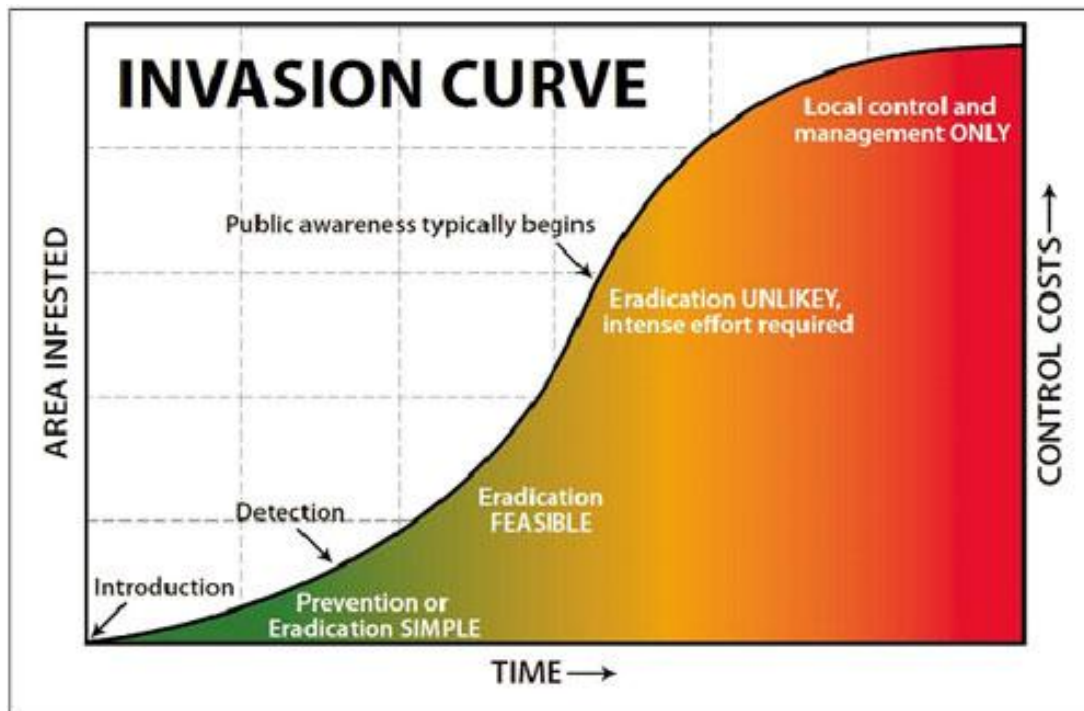


**Rhizomes invade under deck with new culms shooting in May**



**Damage in Bozrah, CT - 2012 - Bamboo grows under siding and up through roof.**





Scroll to *Phyllostachys* species to see all records that have been entered:

[http://www.eddmaps.org/tools/stateplants.cfm?id=us\\_ct](http://www.eddmaps.org/tools/stateplants.cfm?id=us_ct)

Letter dated 6-29-2012 by Curt Johnson - Senior Attorney and Program Director of Connecticut Fund for the Environment - calling for listing yellow groove running bamboo on the Invasive Species List as a first step toward controlling what appears to be one of the most **destructive invasives**. [http://neme-s.org/Bamboo/Bamboo Invasive Letter 6-2012.pdf](http://neme-s.org/Bamboo/Bamboo%20Invasive%20Letter%206-2012.pdf)

EDDMapS link shows infestation on Dogwood Rd., Orange, CT referenced in above letter:  
<http://www.eddmaps.org/distribution/point.cfm?id=2642210>

Image left: Bamboo removal in Southbury, CT Nov. 2013  
 Three rhizomes planted in 2002 - turn into a 100 x 100 feet  
 Bamboo nightmare. Removal video available.



Image below: Milford, CT - May 2013  
 Yellow groove invading 4 properties - May culms shooting.



<http://www.invasiveplantatlas.org/subject.html?sub=55473>

<http://www.invasive.org/browse/subthumb.cfm?sub=55473&Start=1&display=60&sort=2>